

Application No.: 10/564,464  
Filing Date: January 12, 2006

## REMARKS

The undersigned thanks Examiners Winston and Tate for the helpful telephonic interviews of January 15 and 26 which are summarized herein. The claims have been amended as discussed during the telephonic interviews. No new matter is added. In view of the amendments and the remarks below, allowance of the application is respectfully requested.

### Obviousness-type double patenting

In the interview of January 15<sup>th</sup>, Examiner Winston indicated that an issue of obviousness-type double patenting remained for claim 14 in view of claim 15 of copending U.S. Application no. 11/576,676. A terminal disclaimer is submitted herewith to address this issue.

### Rejoinder

The Examiner's indication that claim 11 could be rejoined during the January 15<sup>th</sup> interview is gratefully acknowledged. Claims 12 and 13 which depend from claim 11 were initially not included in the set of claims considered allowable by the USPTO. However, in view of the amendment of claim 12 to include the language "obtainable from" as discussed during the interview of January 26<sup>th</sup>, Applicants believe that claims 11-13 are now in condition for rejoinder and allowance.

### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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**CONCLUSION**

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: Jan. 29, 2009

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